

**RESOLUTION NO. 10-046**

**AUTHORIZING THE CITY MANAGER TO ACCEPT 2010 STATE TRANSPORTATION IMPROVEMENT PROGRAM – TRANSPORTATION ENHANCEMENT (STIP-TE) FUNDS IN THE AMOUNT OF \$862,000 FOR THE BIO-RAD SECTION OF THE SAN FRANCISCO BAY TRAIL AND AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT ALL OTHER DOCUMENTATION IN ORDER TO COMPLETE THE PROJECT**

**WHEREAS**, in January 2010, the East Bay Regional Park District (herein referred to as the “DISTRICT”) applied for and was awarded \$862,000 in State Transportation Improvement Program – Transportation Enhancement (STIP-TE) funds from the Metropolitan Transportation Commission for construction of the section of the San Francisco Bay Trail in the vicinity of Bio-Rad (herein referred to as “PROJECT” or “PROJECTS”) for the MTC 2010 RTIP, as authorized by MTC by Resolution No. 3928 (herein referred to as “PROGRAM”); and

**WHEREAS**, the City of Hercules, (herein referred to as the “CITY”) as it is planning, engineering, and constructing the segment of the Bay Trail to the west of Bio-Rad as part of the Intermodal Transit Center project, will be the Implementing Agency for the STIP-TE funds; and

**WHEREAS**, SB 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

**WHEREAS**, as part of that process, MTC is responsible for programming projects eligible for Regional Improvement Program funds, pursuant to California Government Code Section 14527(b), for inclusion in the RTIP, and submission to the California Transportation Commission, for inclusion in the State Transportation Improvement Program; and

**WHEREAS**, MTC will review and include, if approved, 2010 RTIP projects in the federal Transportation Improvement Program (TIP); and

**WHEREAS**, MTC has requested eligible transportation project sponsors to submit applications nominating projects to be programmed for Regional Improvement Program funds in the RTIP; and

**WHEREAS**, applications to MTC must be submitted consistent with procedures, conditions, and forms it provides transportation project sponsors; and

**WHEREAS**, both the DISTRICT and the CITY are a sponsor of transportation projects eligible for Regional Improvement Program funds; and

**WHEREAS**, the RTIP Project Programming Request (PPR) form of the project application, attached hereto and incorporated herein as though set forth at length, lists the project, purpose, schedule and budget for which the DISTRICT and CITY are requesting that MTC program Regional Improvement Program funds for inclusion in the RTIP; and

**WHEREAS**, Part 2 of the project application, attached hereto and incorporated herein as though set forth at length, includes the certification by the CITY of assurances required by SB 45 to qualify the project listed in the RTIP project nomination sheet of the project application for programming by MTC; and

**WHEREAS**, as part of the application for 2010 RTIP funding, MTC requires any resolution adopted by the responsible implementing agency to state that the project will comply with the procedures specified in the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 3928, Attachment 1, Pages 14-15, and as may be further amended).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hercules as follows:

That the CITY will comply with the provisions and requirements of the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 3928, Attachment 1, Pages 14-15, and as may be further amended), that PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP, and that APPLICANT and PROJECT will comply with the requirements as set forth in the 2010 RTIP Policies and Procedures (MTC Resolution No. 3928); and

**BE IT FURTHER RESOLVED**, that the CITY has reviewed the project and has adequate staffing resources to deliver and complete the project within the schedule set forth in the RTIP Project Programming Request (PPR) form of the project application, attached to this resolution; and

**BE IT FURTHER RESOLVED**, that the CITY is an eligible sponsor of projects in the State Transportation Improvement Program; and

**BE IT FURTHER RESOLVED**, that there is no legal impediment to APPLICANT making applications for Regional Improvement Program funds; and

**BE IT FURTHER RESOLVED**, that there is no pending or threatened litigation which might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the DISTRICT's application referenced herein.


The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 13<sup>th</sup> day of April, 2010 by the following vote of the Council:

AYES: Balico, Kuehne, McDonald, Ward, Valstad

NOES: None

ABSTAIN: None

ABSENT: None

  
Kris Valstad, Mayor



